

FILED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA 08 JAN 22 AM 10:53 *ma*

UNITED STATES OF AMERICA,

) Magistrate Case No. *08 MJ 0184*

Plaintiff,

) COMPLAINT FOR VIOLATION OF:

v.

) Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)  
Bringing in Illegal Aliens Without  
Presentation

Jonathan VELEZ-Ramirez,

Defendant(s)

)

The undersigned complainant, being duly sworn, states:

On or about **January 20, 2008**, within the Southern District of California, defendant **Jonathan VELEZ-Ramirez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juana MANZANARES-Ayala, Jose Manuel MOLINA-Gutierrez, A. L-M, a juvenile, and Jaime LARA-Montes De Oca**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22<sup>nd</sup> DAY OF January 2008.

  
\_\_\_\_\_  
Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

## CONTINUATION OF COMPLAINT:

Jonathan VELEZ-Ramirez

CJC

## PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Juana MANZANARES-Ayala, Jose Manuel MOLINA-Gutierrez, A. L-M, a juvenile, and Jaime LARA-Montes De Oca** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 20, 2008, BPA S. Carlson was assigned to the All Terrain Vehicle (ATV) performing line-watch operations in the Imperial Beach Border Patrol Station area of operations. At approximately 4:45 PM, the Remote Video Surveillance System (RVSS) camera operator advised of a group of individuals staging on the south side of the primary border fence in the area known as Airport Mesa/Soccer Field. This area is approximately two and a half miles east of the San Ysidro, California Port of Entry. This area is a known corridor for aliens furthering their illegal entry into the United States. BPA Carlson positioned himself north of the secondary border fence at Libertad Hump to observe the area.

At approximately 5:00 PM, BPA Carlson observed six individuals approach the secondary border fence and put up a ladder. Five of the individuals climbed over the secondary fence and began to run north up the hill towards Airport Mesa. As BPA Carlson responded to the scene, he observed one individual running back south towards the primary border fence with the ladder. At that time, other units were responding in between the primary and secondary border fences.

BPA Carlson arrived to the area where he last observed the group running north from the secondary fence. The RVSS operator directed him to the location of the group as they were attempting to conceal themselves in the brush. BPA Carlson stopped his ATV and saw a group of five individuals lying in the grass approximately ten to fifteen feet from his location. BPA Carlson identified himself as a United States Border Patrol Agent and queried the group as to their immigration status. Each of them, including the defendant, **Jonathon VELEZ-Ramirez**, admitted to being citizens and nationals of Mexico illegally present in the United States. Agent Carlson gave the group verbal commands to stand up, put their hands up, and walk down the hill towards him. The group ignored his commands. BPA Carlson ran up the hill towards the group. As BPA Carlson approached the group he observed one of the individuals, later identified as defendant Jonathan VELEZ-Ramirez talking on a telephone. As BPA Carlson approached, the defendant instructed the group not to listen to Agent Carlson and to just run. BPA Carlson continued to give commands telling the group not to run. The group began to stand up and walk down with Carlson. A struggle ensued, in which the defendant attempted to avoid arrest. Defendant was yelling for the rest of the group to help him. During the entire struggle, the other four individuals in the group were continuously yelling at BPA Carlson to let him go, having been incited by the defendant. They were all still standing approximately eight to ten feet away from him. BPA Carlson finally used his OC spray. Defendant stopped resisting. BPA Joel Nesbit arrived to the location and helped BPA Carlson get the defendant handcuffed. The defendant and the four other subjects were arrested and transported to the Imperial Beach Station for processing.

**CONTINUATION OF COMPLAINT:**  
**Jonathan VELEZ-Ramirez****DEFENDANT STATEMENT:**

The defendant was advised of his Miranda Rights in the Spanish Language. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant freely admitted to being a citizen and national of Mexico. The defendant does not have, nor has had any immigration documents allowing him to enter or remain in the United States legally. The defendant admitted to entering the United States, January 20, 2008 by jumping over the US/Mexico border fence. The defendant did not enter through a Port of Entry because he did not have the documents to enter the country. The defendant stated that he made arrangements with friends whom he met on the streets to be smuggled into the United States for \$1,800 USD. The defendant stated that he and his group attempted to cross on their own. The defendant stated that after crossing the border he used his cellular phone to contact his stepfather. The defendant was also going to utilize the phone to contact a friend in the US to pick him up. The defendant stated that he was a taxi driver attempting to arrive to Los Angeles, California to work.

**MATERIAL WITNESSES STATEMENTS:**

**Juana MANZANARES-Ayala, Jose Manuel MOLINA-Gutierrez, A. L-M, a juvenile, and Jaime LARA-Montes De Oca** were apprehended with defendant. All admitted that they are citizens and nationals of Mexico, and all are in the United States illegally. All stated that they were to be smuggled into the United States illegally. Manzanares-Ayala and A. L-M stated that someone else had made arrangements for them to be smuggled into the United States illegally for an undetermined amount of money. Jose Manuel MOLINA-Gutierrez was to pay \$1800, and Jaime LARA-Montes De Oca was to pay \$1500 to be smuggled illegally into the United States.

**Jose Manuel MOLINA-Gutierrez, A. L-M, a juvenile, and Jaime LARA-Montes De Oca** were shown a photographic line up. They all identified the defendant as the person who had guided them into the United States. Juana MANZANARES-Ayala identified the defendant as a person who had been with her group.